

REMARKS

I. Status of the Application

Claims 1-3, 5-7, 11-12, 14-20, 23, 25, 27-29, and 31-43 were pending. With this amendment, Applicants amended claims 1, 5, 33, and 43. These amendments do not add any new matter and are supported by the specification as originally filed. Accordingly, entry of the amendment is respectfully requested.

II. Claim Rejections

35 USC § 103

Claims 1, 2, 5-7, 14, 15, 29, 33, 35, 36, 39, 40 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0230676 to Kida (“Kida”) in view of U.S. Patent Publication No. 2004/0220884 to Khan (“Khan”), and further in view of U.S. Patent Publication No. 2002/0022999 to Shuster, et al. (“Shuster”). Claim 42 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kida, Khan, Shuster and further in view of U.S. Patent Publication No. 2004/0199546 to Calistri-Yeh, et al. (“Calistri-Yeh”). Claims 3 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kida, Khan, Shuster and further in view of U.S. Patent Publication No. 2002/0174089 to Tenorio (“Tenorio”). Claims 2, 11, 12, 25, 27, 31, 37 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kida, Khan, Shuster, and further in view of U.S. Patent Publication No. 2004/0103024 to Patel, et al. (“Patel”). Claims 17-20, 23, 28, 32, 34, 35 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kida, Khan, Shuster and further in view of U.S. Patent Publication No. 2004/0186776 to Llach (“Llach”).

Applicants respectfully submit that the cited references fail to teach or suggest all of the limitations of claims 1, 5 and 33, as amended, and the claims dependent thereon. Specifically, the references do not teach or suggest:

“obtaining, at the offer exchange server, an advertise offer from the advertise for placing the advertisement in the at least one web page associated with the

advertisee, the advertisee offer comprising conditions including a second set of one or more user context conditions required by the advertisee for presentation of the advertisement to the user in the at least one web page,”

“obtaining, at the offer exchange server, user context information that indicates the context of substantially real-time activities of the user in relation to the advertisee,”

“electronically, determining, via a processing device, a match of the advertiser offer with the advertisee offer and with the user context information,” and

“electronically, via the processing device, arranging for presentation of the advertisement to the user based on the match indicating the advertiser offer conditions matches the advertisee offer conditions and the user context information.”

Applicants submit that the cited references fail to teach or suggest, *inter alia*, the “obtaining, at the offer exchange server, an advertisee offer from the advertisee” element recited, as amended in claim 1. The Examiner asserts that Kida reference discloses this feature with reference to the discussions at ¶¶ 106, 273-275, and 82. Applicants disagree. Kida’s advertisement presentation system allows an advertiser to register an advertisement and send the advertisement to a user’s scheduler based on the user’s preferences and information. (Kida, ¶¶ 86-89, 273-275) Distribution conditions (D105), is described in ¶106 as “the field where the advertiser describes, as a set of conditions, the sort of user he wants to distribute the advertisement to.” Paragraph 82 discusses sending a notification of a URL for accessing the advertisement presentation system when advertisers and users have registered an account. By contrast, the system of claim 1 as amended recites “obtaining, at the offer exchange server, an advertisee offer from the advertisee for placing the advertisement in the at least one web page associated with the advertisee, the advertisee offer comprising conditions including a second set of one or more user context conditions required by the advertisee for presentation of the advertisement to the user in the at least one web page.” Kida does not discuss an advertisee and an offer exchange server where the offer exchange server receives offers from both advertisers and advertisees; an offer from an advertiser includes conditions required by the advertiser for presentation of an advertisement, and an offer from an

advertisee includes conditions required by the advertiser for presentation of the advertisement. Advertisers and advertisees are not the same.

The cited references further fail to teach or suggest, “electronically, determining, via a processing device, a match of the advertiser offer with the advertisee offer and with the user context information, as amended.” The Examiner relies upon ¶90 of the Khan reference for disclosing this feature. Applicants disagree. Rather, Khan discusses matching up sellers that meet a buyer’s product profile and facilitate a bargaining processing between the two sellers to arrive at a lowest final bargain price for the buyer. (Khan, ¶90) Khan describes matching sellers to a buyer as opposed to matching an advertiser offer with an advertisee offer and a user’s context information. The Examiner does not draw any correlations between “buyers” and “sellers” and the presently claimed “advertiser offer,” “advertise offer,” and “user context information.” Again, Applicants submit that advertisers and advertisees are not the same.

In light of the foregoing, reconsideration and withdrawal of the rejections are respectfully requested.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the Applicants’ position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

III. Conclusion

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

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